

Message Text

PAGE 01 STATE 110127

63

ORIGIN DLOS-03

INFO OCT-01 ISO-00 PCH-06 /010 R

66604

DRAFTED BY D/LOS:DZELLMER:LB

APPROVED BY D/LOS:OESKIN

----- 127600

R 122032Z MAY 75

FM SECSTATE WASHDC

TO ALL DIPLOMATIC POSTS

AMEMBASSY BUCHAREST BY POUCH

AMEMBASSY NDJAMENA BY POUCH

AMEMBASSY SUVA BY POUCH

XMT AMEMBASSY BUCHAREST

AMEMBASSY DAMASCUS

USMISSION GENEVA

USDEL MTN GENEVA

AMEMBASSY NDJAMENA

AMEMBASSY SUVA

USMISSION USUN NEW YORK

UNCLAS STATE 110127

BEIRUT ALSO POUCH BAGHDAD AND DAMASCUS

FOLLOWING SENT ACTION SECSTATE WASHDC INFO USUN NEW YORK

USIA WASHDC FROM GENEVA 10 MAY 75:

QUOTE UNCLAS GENEVA 3399

DEPT PLS PASS ALL DIPLOMATIC POSTS EXCEPT USMISSION GENEVA,
USDEL MTN GENEVA, USDEL SALT II GENEVA

FROM USDEL LOS

USIA FOR IPA & IBS

E.O. 11652: N/A

TAGS: PLOS

UNCLASSIFIED

PAGE 02 STATE 110127

SUBJECT: LOS: UNCLASSIFIED SUMMARY OF DELEGATION REPORT

1. SUMMARY: FOLLOWING IS A SUMMARY OF THE DELEGATION REPORT
ON GENEVA SESSION OF THE LAW OF THE SEA CONFERENCE, MARCH

17-MAY 9, 1975. THE DETAILED DELEGATION REPORT ON THE WORK OF THE MAIN COMMITTEES AND RELEVANT TEXTS WILL BE FORWARDED BY POUCH.

2. EVALUATION OF SESSION:

A. THE PRINCIPAL VISIBLE RESULT OF THE GENEVA SESSION IS THE DISTRIBUTION OF INFORMAL SINGLE TEXTS COVERING ALL SUBJECTS BEFORE THE CONFERENCE. THE CHAIRMAN OF THE DISPUTE SETTLEMENT GROUP ALSO SUBMITTED A TEXT TO THE PRESIDENT OF THE CONFERENCE. THE SINGLE TEXTS WERE PRESENTED TO THE CONFERENCE PRESIDENT BY THE CHAIRMAN OF THE THREE MAIN COMMITTEES AS A BASIS FOR NEGOTIATION OF A COMPREHENSIVE TREATY. THESE TEXTS DO NOT REPRESENT AGREED ARTICLES OR CONSENSUS TEXTS BUT REPRESENT THE JUDGEMENT OF COMMITTEE CHAIRMEN BASED ON THEIR ASSESSMENT OF THE NEGOTIATION THUS FAR AS TO THE APPROPRIATE STARTING POINT FOR FURTHER NEGOTIATIONS DURING THE INTERSESSIONAL PERIOD AND AT NEXT SESSION IN APRIL 1976. AS SINGLE TEXTS WERE DISTRIBUTED ON THE LAST DAY, THE DELEGATION HAS NOT HAD AN OPPORTUNITY TO REVIEW OR ANALYZE THEM. A DETAILED EVALUATION WILL BE MADE IN WASHINGTON IN THE NEAR FUTURE BY THE NSC INTERAGENCY TASK FORCE. THE TEST OF THE VALUE OF THE SINGLE TEXT WILL BE THE EXTENT TO WHICH IT FACILITATES FURTHER NEGOTIATIONS.

B. THE CRUCIAL QUESTION REMAINS AS TO WHETHER THERE IS A WIDESPREAD GENUINE WILL TO REACH ACCOMMODATION. WITHOUT SUCH WILL, THE SINGLE TEXT COULD PROVIDE NOTHING MORE THAN ANOTHER VEHICLE TO RESTATE OR REINTRODUCE FUNDAMENTAL DIFFERENCES.

C. IN THE JUDGEMENT OF THE DELEGATION, THE POINT HAS NOW BEEN REACHED WHEN A MAJORITY OF STATES MUST MAKE AS ASSESSMENT IN THE INTERIM PERIOD BEFORE THE NEXT SESSION AS TO WHETHER A TIMELY CONCLUSION OF AN OVERALL TREATY IS IN THEIR INTERESTS. THERE ARE PRESSURES IN UNCLASSIFIED

PAGE 03 STATE 110127

MANY COUNTRIES, INCLUDING THE US, FOR UNILATERAL ACTION TO RESOLVE IMMEDIATE DIFFICULTIES, ESPECIALLY COASTAL FISHERIES, WHICH MAY FURTHER COMPLICATE NEGOTIATION OF COMPREHENSIVE TREATY. THERE APPEARED TO BE A GENERAL WILL TO NEGOTIATE ON MAJOR ECONOMIC ZONE AND POLLUTION QUESTIONS, WITH POSITIONS DRAWING MUCH CLOSER, AND TO A LESSER EXTENT WITH RESPECT TO SCIENTIFIC RESEARCH AND THE INTEREST OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES, POSITIONS ARE STILL FAR APART. THE REMAINDER OF THIS REPORT WILL REVIEW COURSE OF NEGOTIATIONS AND DELEGATION'S ASSESSMENT OF CURRENT TRENDS.

D. TERRITORIAL SEA AND STRAITS: A SUBSTANTIAL CONSENSUS CONTINUES ON A TERRITORIAL SEA OF 12 MILES. THERE APPEARS TO BE A STRONG TREND IN FAVOR OF UNIMPEDED PASSAGE OF STRAITS UNUSED FOR INTERNATIONAL NAVIGATION AS PART OF A COMMITTEE II PACKAGE.

E. ECONOMIC ZONE, INCLUDING FISHERIES: NEGOTIATION OF BALANCE OF RIGHTS AND DUTIES IN 200-MILE ECONOMIC ZONE IS ONE OF THE MOST IMPORTANT ELEMENTS OF A SATISFACTORY PACKAGE. THE PRINCIPAL EFFORTS ON THIS ISSUE WERE MADE IN THE EVENSEN INFORMAL GROUP, A GROUP OF SOME 40 NATIONS FROM ALL REGIONS, CHAIRMED BY MINISTER JENS EVENSEN OF NORWAY. THE EVENSEN GROUP BEGAN WORK ON THE ECONOMIC ZONE PRIOR TO CONFERENCE AND COMPLETED WORK THIS SESSION OF A CHAPTER ON THE ECONOMIC ZONE INCLUDING FISHERIES, AND THE CONTINENTAL SHELF. WITH RESPECT TO FISHERIES THE EVENSEN GROUP TEXT INCLUDES ARTICLES ON ALL FISHERIES ISSUES INCLUDING ANADROMOUS SPECIES (SALMON) BUT NOT HIGHLY MIGRATORY (TUNA) AND IT REFLECTS A GENERAL CONSENSUS WITHIN THE CONFERENCE ON A COASTAL STATE JURISDICTION OVER COASTAL FISHERIES WITHIN A 200-MILE ECONOMIC ZONE. COASTAL STATES WOULD HAVE COMPREHENSIVE JURISDICTION TO MANAGE COASTAL STOCKS IN THE ECONOMIC ZONE, COUPLED WITH A DUTY TO INSURE THEIR CONSERVATION AND TO PERMIT ACCESS BY FOREIGN STATES TO FISH STOCKS IN EXCESS OF THE COASTAL STATE'S CAPACITY TO HARVEST. THE TEXT ON SALMON REPRESENTS AN ACCOMMODATION THAT CONTAINS NEW STRONG PROVISIONS.

PAGE 04 STATE 110127

PROVISIONS FOR THE STATE OF OREGON WHILE PERMITTING SOME CONTINUATION OF TRADITIONAL FISHING.

F. DEEP SEABEDS: EFFORTS IN EARLY WEEKS WHICH SEEMED LIKELY TO MOVE TOWARD ACCOMMODATION WITH DEVELOPING COUNTRIES ON KEY QUESTIONS OF BASIC CONDITIONS OF EXPLOITATION DID NOT SURVIVE PRESSURES WITHIN THE GROUP OF 77 TO RETURN TO ORIGINAL IDEOLOGICAL POSITIONS. DOCTRINAL DIFFERENCES HAVE PREVIOUSLY PREVENTED PROGRESS ON THIS SUBJECT AND GAP WAS NOT BRIDGED THIS SESSION. HOWEVER, LIMITED FLEXIBILITY WAS SHOWN IN EFFORTS TO REACH ACCOMMODATION ON BASIC QUESTIONS INVOLVED IN INTERNATIONAL MACHINERY REGARDING POWERS AND FUNCTIONS OF THE ASSEMBLY, COUNCIL TRIBUNAL, AND TECHNICAL COMMISSIONS, AS WELL AS VOTING PROCEDURES AND PROVISIONAL APPLICATION OF THE REGIME AND MACHINERY.

G. DISPUTE SETTLEMENT: TEXT FORWARDED TO THE PRESIDENT BY AN INFORMAL GROUP OF ABOUT 60 STATES SETS FORTH THE DISPUTE SETTLEMENT PROCEDURES FOR INCLUSION IN THE CONVENTION. WHILE IT PROCEEDS ON THE PRINCIPLE THAT THERE WILL BE SOME BINDING DISPUTE SETTLEMENT

PROCEDURES, THERE IS NO AGREEMENT YET ON WHAT THE SCOPE OF BINDING DISPUTE SETTLEMENT WILL BE IN THE ECONOMIC ZONE.

H. DETAILED NEGOTIATIONS IN THREE MAIN COMMITTEES AND IN DISPUTE SETTLEMENT GROUP ARE SUMMARIZED IN PARAGRAPHS 4, 5, 6, AND 7.

3. FUTURE WORK PROGRAM

THE PLENARY DECIDED THAT THE FOURTH SESSION OF THE CONFERENCE SHOULD BE HELD IN NEW YORK FOR EIGHT WEEKS COMMENCING MARCH 29, 1976. IF THE LAW OF THE SEA CONFERENCE SO DETERMINES, AN ADDITIONAL SESSION WOULD BE HELD IN NEW YORK IN 1976 WITH A FINAL SIGNING SESSION IN CARACAS. THE EVENSEN GROUP DECIDED TO CONTINUE ITS INFORMAL NEGOTIATIONS, BUT IT WILL NOW BECOME AN OPEN ENDED GROUP FOR ALL INTERESTED PARTICIPANTS. THE GROUP PRESENTLY PLANS TO MEET DURING UNCLASSIFIED

PAGE 05 STATE 110127

THE LAST WEEK OF AUGUST AND FIRST WEEK OF SEPTEMBER, WITH POSSIBLE ADDITIONAL MEETINGS DURING THE GENERAL ASSEMBLY AND IN EARLY 1976. EVENSEN ANNOUNCED THAT THE SUBJECTS OF MARINE POLLUTION, SCIENTIFIC RESEARCH, OUTER LIMIT OF CONTINENTAL SHELF AND REVENUE SHARING WOULD BE DISCUSSED.

4. COMMITTEE I. DEEP SEABEDS

A. GENERAL

SERIOUS NEGOTIATIONS OCCURRED IN COMMITTEE I (CI) DURING GENEVA SESSION, WITH A NUMBER OF COMPROMISE PROPOSALS BEING EXPLORED, BUT THE MOST STRIKING FEATURE OF THIS SESSION WAS THE INABILITY OF THE DEVELOPING COUNTRIES, GROUP OF 77, TO MAKE CONCESSIONS ON THEIR MORE FUNDAMENTAL IDEOLOGICAL POSITIONS. ALTHOUGH THE DEVELOPING COUNTRIES WERE SOMEWHAT RECEPTIVE TO OUR BASIC CONCERNS IN THE AREA OF INSTITUTIONAL STRUCTURE AND THE NEED TO LIMIT THE AUTHORITY'S POWERS OVER EXPLOITATION, WE WERE NOT ABLE TO BRIDGE THE IDEOLOGICAL GAP ON THE EXPLOITATION SYSTEM. DESPITE A UNITED STATES EFFORT TO BE FORTHCOMING ON SOME OF THEIR DEMANDS FOR PARTICIPATION, THE DEVELOPING COUNTRIES

CONTINUE TO SUPPORT THE VIEW THAT ONLY A SYSTEM IN WHICH THE AUTHORITY DIRECTLY EXPLOITS WILL PROTECT THEIR INTERESTS.

B. BASIC CONDITIONS AND THE EXPLOITATION SYSTEM

THE UNITED STATES ENTERED THE COMMITTEE IN NEGOTIATIONS AT GENEVA WITH A WILLINGNESS TO BE MORE FLEXIBLE ON ISSUES OF DIRECT CONCERN TO THE DEVELOPING COUNTRIES, WHILE AT THE SAME TIME PRESERVING ITS MOST IMPORTANT INTERESTS IN ACCESS TO DEEP SEABED MINERALS. DURING THE FIRST HALF OF THE SESSION, WE AGREED TO CONSIDER IN THE TREATY BASIC CONDITIONS OF EXPLOITATION AS OPPOSED TO DETAILED REGULATORY PROVISIONS (ON THE CONDITION THAT DETAILED REGULATIONS FOR THE PROVISIONAL PERIOD

UNCLASSIFIED

PAGE 06 STATE 110127

WOULD BE ADOPTED BY THE CONFERENCE). WE ALSO AGREED TO CONSIDER A SYSTEM OF JOINT VENTURES, WITH THE POSSIBILITY OF PROFIT-SHARING WITH THE AUTHORITY, AS THE SINGLE METHOD OF EXPLOITATION, AND PROPOSED A RESERVATION OF AREAS SYSTEM. UNDER THIS APPROACH, AN APPLICANT FOR A JOINT VENTURE WOULD SUBMIT TWO MINE SITES, ONE OF WHICH THE AUTHORITY WOULD DESIGNATE AS A RESERVED AREA. IN THE RESERVED AREAS, THE AUTHORITY COULD NEGOTIATE WITH APPLICANTS FOR THE MOST FAVORABLE FINANCIAL TERMS AND COMMITMENTS TO TRANSFER TECHNOLOGY. AT MID-SESSION, THE CHAIRMAN OF THE WORKING GROUP INTRODUCED A PERSONAL DRAFT OF BASIC CONDITIONS THAT FOCUSED PRIMARILY ON A CONTRACTUAL JOINT VENTURE SYSTEM THAT INCLUDE RESERVATION OF AREAS FOR BOTH STATES AND FOR DIRECT EXPLOITATION BY THE AUTHORITY. THIS ELABORATION OF A PARALLEL SYSTEM (AN APPROACH IN WHICH THE AUTHORITY DIRECTLY EXPLOITS AT THE SAME TIME THAT STATES AND THEIR NATIONALS EXPLOIT UNDER A SEPARATE SYSTEM) WAS INTENSIVELY CONSIDERED BY THE GROUP OF 77, WHO EVENTUALLY REJECTED THE CONCEPT OF DESIGNATING AREAS SOLELY FOR STATE EXPLOITATION AND ALSO REJECTED THE PARALLEL SYSTEM AS ELABORATED IN THE DRAFT. THE REASONS GIVEN BY THE GROUP OF 77 FOR ITS REJECTION OF THIS CONCEPT RELATED TO THEIR IDEOLOGICAL DIFFICULTY IN ESTABLISHING TWO SEPARATE REGIMES FOR THE INTERNATIONAL AREA.

C. MACHINERY

THE COMMITTEE DEVOTED ONLY THREE FORMAL SESSIONS TO CONSIDERATION OF MACHINERY ISSUES, ALTHOUGH THE GROUP OF 77 DEVELOPED A NEW, UNIFIED POSITION ON THESE QUESTIONS. THE MOST IMPORTANT ASPECT OF THIS POSITION WAS A WILLINGNESS TO INCLUDE REPRESENTATION ON THE COUNCIL FOR DEVELOPED AND DEVELOPING COUNTRIES THAT HAVE A SPECIAL INTEREST IN THE DEEP SEABED AND TO SUBMIT THE ENTIRE EXPLOITATION SYSTEM TO THE CONTROL OF THE COUNCIL. GROUP OF 77 DID NOT REACH AN AGREED POSITION ON PRODUCTION CONTROLS APPARENTLY AS A RESULT OF THE DIFFERING INTERESTS OF PRODUCERS AND CONSUMERS WITHIN

THE GROUP. THE UNITED STATES DELIVERED A STATEMENT IN UNCLASSIFIED

PAGE 07 STATE 110127

WHICH WE LISTED TWELVE CRITICAL ELEMENTS OF AN ACCEPTABLE INTERNATIONAL MACHINERY.

D. SINGLE TEXTS

THE COMMITTEE CONCLUDED ITS ACTIVITIES THIS SESSION WITH THE INTRODUCTION BY ITS CHAIRMAN OF A DRAFT OF SINGLE TEXTS ON THE REGIME AND MACHINERY, PREPARED AS A PERSONAL EFFORT. THE CHAIRMAN OF THE WORKING GROUP ALSO PREPARED A REVISED VERSION OF BASIC CONDITIONS WHICH WAS NOT CONSIDERED BY THE WORKING GROUP, ALTHOUGH IT WAS ANNEXED TO THE CHAIRMAN'S UNIFIED TEXTS.

E. CONCLUSION

IN MARKED CONTRAST TO PREVIOUS SESSIONS, COMMITTEE I ENGAGED IN INTENSIVE EFFORTS TO BRING OPPOSING VIEWS CLOSER TOGETHER. LITTLE PROGRESS WAS MADE IN BRIDGING THE IDEOLOGICAL GAP BETWEEN NATIONS ON THE BASIC ASPECTS OF THE EXPLOITATION SYSTEM, ALTHOUGH GREATER UNDERSTANDING WAS DEVELOPED ON THE RELATIVE NEEDS AND INTERESTS OF STATES THAT MUST BE ACCOMMODATED IN THE STRUCTURE AND POWERS OF THE INTERNATIONAL AUTHORITY.

5. COMMITTEE II. TERRITORIAL SEA, STRAITS, AND THE ECONOMIC ZONE, INCLUDING LIVING AND NON-LIVING RESOURCES:

THE BASIC STRUCTURE OF A 12-MILE MAXIMUM TERRITORIAL SEA, UNIMPEDED PASSAGE OF STRAITS, AND A 200-MILE ECONOMIC ZONE WITH SOVEREIGN RIGHTS OVER LIVING AND NON-LIVING RESOURCES AND SPECIAL TREATMENT FOR ANADROMOUS SPECIES (SALMON) HAS NOW BEEN ELABORATED BY SPECIFIC TEXTS. THE COMMITTEE COMPLETED A REVIEW OF THE PAPER, DEVELOPED IN CARACAS TO REFLECT THE "MAIN TRENDS" OF THE DISCUSSIONS IN INFORMAL MEETINGS. WORKING GROUPS HAVE DEALT WITH VIRTUALLY ALL OF THE TRADITIONAL DETAILS OF THE TERRITORIAL SEA QUESTION, INCLUDING BASELINES AND INNOCENT PASSAGE, AND THE HIGH SEAS REGIME, MAKING SOME TECHNICAL CHANGES IN THE EXISTING REGIME. THE EVENSEN GROUP TEXT ON THE ECONOMIC ZONE REFLECTS A BROAD TREND UNCLASSIFIED

PAGE 08 STATE 110127

OF OPINION; HOWEVER, ITS CIRCULATION WAS FOLLOWED BY EFFORTS IN THE GROUP OF 77 BY EXTREME TERRITORIALISTS TO MAKE THE ECONOMIC ZONE MORE COASTALLY ORIENTED, AND BY EFFORTS BY LANDLOCKED AND GEOGRAPHICALLY DISADVAN-

TAGED STATES TO SECURE GREATER RIGHTS OF ACCESS TO FISHERIES OF NEIGHBORING COASTAL STATES. ON FISHERIES, THE EVENSEN TEXT INCLUDES CONVERSATION AND FULL UTILIZATION ARTICLES AND AN ANADROMOUS (SALMON) ARTICLE PROTECTING THE INTERESTS OF THE STATE OF ORIGIN. WHILE NO AGREEMENT HAS YET EMERGED ON CONTINENTAL SHELF JURISDICTION BEYOND 200 MILES, IT IS INCREASINGLY REGONIZED BY MANY MODERATES THAT COASTAL STATE JURISDICTION TO A PRECISELY DEFINED LIMIT OF THE MARGIN BEYOND 200 MILES COUPLED WITH REVENUE SHARING BEYOND 200 MILES IN THE ONLY WAY TO ACHIEVE WIDESPREAD AGREEMENT. THE MAIN NEGOTIATING PROBLEMS FACING COMMITTEE II IN THE FUTURE ARE LIKELY TO INCLUDE THE FOLLOWING:

A. STATUS OF THE ECONOMIC ZONE. ASSUMING ALL RESOURCE AND ECONOMIC ACTIVITIES (OTHER THAN NAVIGATION, OVERFLIGHT, AND SUBMARINE CABLES AND PIPELINES) ARE SUBJECT TO COASTAL STATE JURISDICTION, AND THAT POLLUTION AND SCIENTIFIC RESEARCH QUESTIONS ARE RESOLVED, THE QUESTION IS WHETHER THE LEGAL STATUS OF THE ECONOMIC ZONE REMAINS HIGH SEAS.

B. ACCESS OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES TO FISHERIES IN THE ECONOMIC ZONES OF THEIR NEIGHBORS. THE LANDLOCKED STATES ARE NUMEROUS, AND AN INCREASING NUMBER OF STATES BOTH DEVELOPED AND DEVELOPING ARE REGARDING THEMSELVES AS GEOGRAPHICALLY DISADVANTAGED.

C. RIGHT OF ACCESS TO THE SEA FOR LANDLOCKED STATES. WHILE IN PRINCIPLE EVERYONE AGREES, THE STRENGTH AND SCOPE OF THE "RIGHT" IS CONTENTIOUS, AMONG CONCERNED STATES.

D. HIGHLY MIGRATORY SPECIES (TUNA). NO COMPLETE MEETING OF THE MINDS HAS YET BEEN REACHED ON THIS ISSUE, ALTHOUGH POSITIONS ARE CLOSER. IT SEEMS THAT AN UNCLASSIFIED

PAGE 09 STATE 110127

ORGANIZATION WHICH WOULD ESTABLISH MANDATORY CONSERVATION MEASURES WOULD BE BROADLY ACCEPTABLE, BUT THERE IS STILL DISAGREEMENT AS TO WHETHER OTHER MEASURES ADOPTED BY AN ORGANIZATION INCLUDING ALLOCATION WOULD BE MANDATORY.

E. CONTINENTAL SHELF. WHAT IS STILL NEEDED IS AN ELABORATION OF A COMPROMISE ON THE CONTINENTAL SHELF THAT INCLUDES COASTAL STATE RESOURCE JURISDICTION OVER AND REVENUE SHARING FROM, PRODUCTION ON THE CONTINENTAL SHELF WHERE IT EXTENDS BEYOND 200 MILES, ALTHOUGH THERE ARE ADAMANT POSITIONS BY SOME DELEGATIONS ON BOTH SIDES OF THE ISSUE; THOSE WHO OPPOSE ANY JURISDICTION

BEYOND 200 MILES, AND SOME BROAD MARGIN STATES WHO OPPOSE THE CONCEPT OF REVENUE SHARING.

F. BOUNDARIES BETWEEN ADJACENT AND OPPOSITE COASTAL STATES AND RELATED ISLANDS PROBLEMS. IT IS INCREASINGLY RECOGNIZED THAT PRECISE RESOLUTION IN A MULTILATERAL CONVENTION OF THESE ESSENTIALLY BILATERAL ISSUES WILL BE VERY DIFFICULT. THERE IS BOTH STRONG SUPPORT FOR, AND STRONG OPPOSITION TO, COMPULSORY DISPUTE SETTLEMENT WHERE THE BOUNDARY LOCATION CANNOT BE AGREED.

G. ARCHIPELAGOES. IT IS NOT CLEAR WHETHER AGREEMENT CAN BE REACHED ON AN OBJECTIVE DEFINITION OF ARCHIPELAGOES AND ON TRANSIT RIGHTS ADEQUATE TO PERMIT GENERAL ACCEPTANCE OF SPECIAL PROVISIONS FOR ARCHIPELAGOS.

WE BELIEVE THE CONFERENCE MUST RECOGNIZE THAT IT WILL BE IMPOSSIBLE TO GO FURTHER TO ACCOMMODATE EXTREME TERRITORIALISTS AND EXTREME STRIATS IF THE TREATY IS TO BE WIDELY ACCEPTABLE

WHAT MOST STATES WANT MOST OUT OF THE COMMITTEE II NEGOTIATION IS REFLECTED IN TEXTS THAT APPEAR TO HAVE WIDESPREAD SUPPORT. WHAT IS NOW UNRESOLVED ARE SPECIAL PROBLEMS OF CONSIDERABLE IMPORTANCE TO SOME STATES ON WHICH A BALANCE REMAINS TO BE FOUND. THE CUMULATIVE TOTAL OF STATES CONCERNED WITH THESE SPECIAL PROBLEMS INVOLVES A SUBSTANTIAL NUMBER; THUS IT WILL BE NECESSARY TO RESOLVE MOST OF THEM, INCLUDING THE STATUS OF THE ECONOMIC ZONE, TUNA, AND THE CONTINENTAL MARGIN AND THE QUESTION OF LANDLOCKED GDS CONCERNS.

PAGE 10 STATE 110127

NO STATE IS LIKELY TO BE FULLY SATISFIED BY THE SINGLE TEXT PREPARED BY THE BUREAU. IF AT THE NEXT SESSION, STATES WILL ACCEPT THE SINGLE TEXT PREPARED BY THE BUREAU AS A BASIS FOR NEGOTIATIONS AND PRESS FOR CHANGES OF CONCERN TO THEM, THERE ARE REASONABLE PROSPECTS OF SUCCESS. IF, ON THE OTHER HAND, A COALITION FORMS OF THOSE DISSATISFIED THAT SEEKS TO GO BACK TO THE DRAWING BOARDS AND FIND A NEW BASIC TEXT--THE KIND OF MANEUVER THAT HAS ALREADY MANIFESTED ITSELF IN THE GROUP OF 77 ECONOMIC ZONE RECOMMENDED TEXT SUBMITTED TO THE CHAIRMAN OF COMMITTEE II FOR HIS CONSIDERATION--THEN IT IS UNLIKELY THAT A WIDELY ACCEPTABLE TREATY CAN BE PRODUCED.

6. COMMITTEE III. MARINE POLLUTION, SCIENTIFIC RESEARCH:

A. MARINE POLLUTION: THE POLLUTION WORKING GROUP IN THE THIRD COMMITTEE COMPLETED TEXTS ON MONITORING ENVIRONMENTAL ASSESSMENT, AND LANDBASED POLLUTION AND MOVED CLOSE TO COMPLETED TEXTS ON OCEAN DUMPING AND

CONTINENTAL SHELF POLLUTION. WHILE THESE TEXTS INCLUDE MEANINGFUL OBLIGATIONS TO PROTECT THE ENVIRONMENT, THERE CONTINUES TO BE SOME OPPOSITION TO ACCEPTING SUCH OBLIGATIONS.

ON VESSEL SOURCE POLLUTION, NEGOTIATIONS CONTINUED IN THE EVENSEN GROUP BUT NOT FINAL AGREEMENT WAS REACHED. THERE WAS A TREND HOWEVER, AGAINST ANY COASTAL STATE STANDARD SETTING IN THE ECONOMIC ZONE.

B. MARINE SCIENTIFIC RESEARCH: DURING THIS SESSION THE FOUR MAIN TRENDS DEVELOPED IN CARACAS EVOLVED INTO THREE APPROACHES WHICH THE CHAIRMAN ULTIMATELY CONSIDERED IN PRODUCING THE UNIFIED TEXT. THESE THREE DIFFERENT APPROACHES ARE: (1) THE PROPOSAL OF SOME STATES WITHIN THE GROUP OF 77, WHICH PROVIDES THAT ALL SCIENTIFIC RESEARCH IN AREAS UNDER COASTAL STATE JURISDICTION SHALL BE CONDUCTED ONLY WITH THE EXPLICIT CONSENT OF THE COASTAL STATE (L.13, REV.2); (2) A PROPOSAL BY MANY WESTERN EUROPEAN COUNTRIES, WITH UNCLASSIFIED

PAGE 11 STATE 110127

AMENDMENTS BY A GROUP OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES, THAT MARINE SCIENTIFIC RESEARCH CAN BE CONDUCTED IF A LIST OF INTERNATIONALLY AGREED OBLIGATIONS ARE FULFILLED, SUBJECT TO DISPUTE SETTLEMENT PROCEDURES (L.28, AND AMENDMENT TO L.19); AND (3) THE SOVIET PROPOSAL, LATER DRAWN UPON BY MEXICO AND OTHERS, WHICH DISTINGUISHES BETWEEN RESEARCH CONCERNING RESOURCES AND NON-RESOURCE RELATED RESEARCH, REQUIRING CONSENT FOR RESOURCE-RELATED RESEARCH AND COMPLIANCE WITH INTERNATIONALLY AGREED OBLIGATIONS FOR RESEARCH NOT CONCERNED WITH RESOURCES (L.26 AND L.29). THE INFORMAL SESSIONS OF COMMITTEE III WERE DEVOTED MOSTLY TO THE QUESTION OF THE LEGAL STATUS OF SCIENTIFIC INSTALLATIONS AND STATE LIABILITY FOR DAMAGE CAUSED BY SCIENTIFIC RESEARCH. MEANWHILE AN INFORMAL NEGOTIATING GROUP, UNDER THE CHAIRMANSHIP OF CORNELL METTERNICH OF THE FEDERAL REPUBLIC OF GERMANY, ATTEMPTED TO INITIATE NEGOTIATIONS ON THE MAJOR ISSUES OF MARINE SCIENTIFIC RESEARCH IN THE ECONOMIC ZONE AND IN THE INTERNATIONAL AREA. THESE EFFORTS FOCUSED MAINLY ON RESEARCH IN THE ECONOMIC ZONE, AND WERE HAMPERED BY LIMITED ATTENDANCE. THE PRIVATE NEGOTIATIONS AND NEW PROPOSALS FORMALLY INTRODUCED IN COMMITTEE III LED TO SOME NARROWING OF THE NEGOTIATING ALTERNATIVES.

7. SETTLEMENT OF DISPUTES:

ALTHOUGH THERE WERE SOME MEMBERS OF THE WORKING GROUP ON DISPUTE SETTLEMENT WHO OPPOSED ANY BINDING DISPUTE SETTLEMENT PROCEDURES IN AREAS OF NATIONAL JURISDICTION (E.G., ECONOMIC ZONE), THE CONCEPT WAS SUPPORTED BY A MAJORITY OF THE MORE THAN 60

PARTICIPATING COUNTRIES, AT LEAST FOR SOME IMPORTANT ASPECTS OF THE CONVENTION SUCH AS NAVIGATION. THE QUESTION OF THE RELATIONSHIP BETWEEN THE EXERCISE OF COASTAL STATE RESOURCE JURISDICTION AND THE ACCEPTANCE OF DISPUTE SETTLEMENT PROCEDURES IS A PARTICULARLY IMPORTANT AND DELICATE PROBLEM. IT REMAINS UNCLEAR WHETHER THERE WILL BE A COMPREHENSIVE DISPUTE SETTLEMENT MECHANISM OR WHETHER, AS SOME DELEGATIONS PREFER, EACH ISSUE WILL BE DEALT WITH SEPARATELY. IT ALSO REMAINS UNCLEAR WHETHER THE MECHANISM FOR RESOLVING UNCLASSIFIED

PAGE 12 STATE 110127

DISPUTES WOULD BE THE INTERNATIONAL COURT OF JUSTICE, AN ARBITRAL BODY, OR A NEW LAW OF THE SEA TRIBUNAL. A PROPOSAL FORWARDED BY THE GROUP SETS FORTH A PROCEDURE WHICH PERMITS STATES TO ELECT TO ACCEPT ONE OR MORE OF THESE ALTERNATIVES. THERE IS GENERAL SUPPORT FOR SPECIAL DISPUTE SETTLEMENT MACHINERY FOR THE DEEP SEABEDS. END SUMMARY. ABRAMS UNQUOTE INGERSOLL

NOTE BY OCT: POUCHED BUCHAREST,NDJAMENA,AND SUVA.

UNCLASSIFIED

<< END OF DOCUMENT >>

Message Attributes

Automatic Decaptioning: X
Capture Date: 26 AUG 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, MEETING REPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 12 MAY 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE110127
Document Source: ADS
Document Unique ID: 00
Drafter: D/LOS:DZELLMER:LB
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Film Number: D750168-0525
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t197505102/baaaajjk.tel
Line Count: 513
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Office: ORIGIN DLOS
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 10
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 18 JUL 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <18 JUL 2003 by SilvaL0>; APPROVED <10 FEB 2004 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: n/a
TAGS: PLOS, OCON
To: ALL DIPLOMATIC POSTS
BUCHAREST BY POUCH
NDJAMENA BY POUCH
SUVA BY POUCH
XMT BUCHAREST
DAMASCUS

GENEVA
MTN GENEVA
NDJAMENA
SUVA
USUN N Y

Type: TE

Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006